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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,418	01/08/2004	Yohei Yoshida	259052004200	8421
25226	7590	11/25/2005	EXAMINER	
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			KEANEY, ELIZABETH MARIE	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/754,418

Applicant(s)

YOSHIDA, YOHEI

Examiner

Elizabeth Keaney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/8/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities:

- Page 11, line 12: "(ia,ib,ic); should be --(la,lb,lc)--.

Appropriate correction is required.

Claim Objections

Claim 2 is objected to because of the following informalities:

- "first, second and three colors"; should be --a first, second and third color--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,4,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Treiman et al. (US Patent 6,043,893; hereinafter Treiman).

Re claim 1: Treiman discloses, in figure 2A and throughout the disclosure, a light-emitting device comprising:

- a plurality of light-emitting elements (132,132') for emitting light of mutually different colors; and
- one light-detecting element (134) for detecting light emitted from each of the light-emitting elements;
 - the light-emitting elements and the light detecting element being mounted onto a substrate (130).

Re claim 2: Treiman discloses the light-emitting elements comprising three light-emitting chips for emitting light of a first, second and third color, respectively (column 2, lines 54-55).

Re claim 3: Treiman discloses, in figure 2B and throughout the disclosure, the light-detecting element is arranged at a position substantially equidistant from the three light-emitting chips (column 4, lines 45-52).

Re claim 4: Treiman discloses, in figure 2B and throughout the disclosure, the light-emitting elements of the first, second and third colors are arranged at apexes of an

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equilateral triangle and the light-detecting element is arranged at the center of gravity of the equilateral triangle.

The Examiner has defined the apexes of the triangle to be the LED at the top of the circle, to the left and to the right of the photo-detector.

Re claim 6: Treiman discloses, in figure 2B and throughout the disclosure, the three light-emitting chips (132) are arranged on a substrate (130) and the light-detecting element is so arranged as not to intercept emitted light.

Re claim 8: The Examiner notes that the limitation "liquid crystal display device...as backlight" is drawn to the intended use and is thereby afforded no patentable weight.

Claims 1,2,5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamanti et al. (US Patent 6,157,453; hereinafter Tamanti).

Re claim 1: Tamanti discloses, in figure1 and throughout the disclosure, a light-emitting device comprising:

- a plurality of light-emitting elements (1r,1g,1b) for emitting light of mutually different colors; and
- one light-detecting element (7) for detecting light emitted from each of the light-emitting elements;

- the light-emitting elements and the light-detecting element being mounted onto a substrate.

The Examiner notes that while Tamanti is silent as to exactly how the light-emitting elements and light-detecting elements are mounted, the elements must be mounted on something within the device and the Examiner is defining that to be the substrate.

Re claim 2: Tamanti discloses the plurality of light-emitting elements comprising three light-emitting chips for emitting light of a first, second and third color, respectively (column 8, line 20).

Re claim 5: Tamanti discloses, in figure 1 and throughout the disclosure, the light-emitting device further comprising:

- a light emission control portion (10) for applying a predetermined current to the light-emitting elements and allowing the three light-emitting chips to serially emit light with a predetermined time interval among them (column 8, lines 66-67); and
- a light intensity adjustment portion for serially receiving detecting signals outputted from light-detecting element in such a fashion as to correspond to intensity of light, analyzing the detection signals and adjusting the

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current applied to each of the three light-emitting chips so that a predetermined color can be generated (column 9, lines 1-25).

Re claim 8: The Examiner notes that the limitation "liquid crystal display device...as backlight" is drawn to the intended use and is thereby afforded no patentable weight.

Claims 1,2,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuyama (US Patent 6,069,676).

Re claim 1: Yuyama discloses, in figure 9 and throughout the disclosure, a light-emitting device comprising:

- a plurality of light emitting elements (2a,2b,2c) for emitting light of morally different colors; and
- one light detecting element for detecting light emitting from each of the light-emitting elements (10);
 - the light-emitting elements and the light-detecting element being mounted onto a substrate (14,16).

Re claim 2: Yuyama discloses the plurality of light-emitting elements comprising three light-emitting chips for emitting light of a first, second and third color, respectively (column 3, line 24).

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Re claim 6: Yuyama discloses, in figure 9 and throughout the disclosure, the three light emitting chips (2a,2b,2c) are arranged on a substrate (14) and the light-detecting element (10) is so arranged as not to intercept emitted light.

Re claim 8: The Examiner notes that the limitation "liquid crystal display device...as backlight" is drawn to the intended use and is thereby afforded no patentable weight.

Claims 1,2,6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Salam (US Patent 6,081,073).

Re claim 1: Salam discloses, in figure 5 and throughout the disclosure, a light-emitting device comprising:

- a plurality of light-emitting elements (L) of mutually different colors; and
- one light-detecting element (64) for detecting light emitted from each of the light emitting elements;
 - the light-emitting elements and the light-detecting element being mounted onto a substrate (60).

Re claim 2: Salam discloses the plurality of light-emitting elements comprising three light-emitting chips for emitting light of a first, second and third color, respectively (column 5, lines 4-6).

Re claim 6: Salam discloses, in figure 5 and throughout the disclosure, the three light-emitting chips (L) arranged on a substrate, and the light-detecting element is so arranged as not to intercept emitted light.

Re claim 8: The Examiner notes that the limitation "liquid crystal display device...as backlight" is drawn to the intended use and is thereby afforded no patentable weight.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The best prior art discloses a light-emitting device comprising many of the features of claim 7, including a plurality of light-emitting chips and one light-detecting element and a light emission control portion. However, the prior art fails to teach or fairly suggest a light-emitting device wherein the light emission control portion allows the light-detecting element to detect external light incident into the light-detecting element in a time zone in which none of the light-emitting elements emit light, and the light intensity

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adjustment portion adjusts the current applied to each of the light-emitting elements by use of the detection signal based on external light, as claimed in claim 7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Keaney whose telephone number is (571)272-2489. The examiner can normally be reached on Monday, Tuesday, Thursday, Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571)272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER


Elizabeth Keaney
Examiner
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